

### **REMARKS**

This Amendment is in response to an Office Action mailed December 11, 2007. In the Office Action, claims 1-3, 18-19, 23-25 and 28-33 were rejected under 35 U.S.C. §102. Claims 20, 22, 26-27, 34 and 35 were rejected under 35 U.S.C. §103. No amendments have been made to the claims. Currently, claims 1-3 and 18-35 are outstanding.

Reconsideration of the claims is respectfully requested.

#### ***Examiner's Interview***

On February 20, 2008, the undersigned attorney conducted a telephone conference with the Examiner. In the telephone conference, the undersigned attorney discussed the lack of teachings of multiple processors performing decode operations on different streams of data. Moreover, the undersigned attorney discussed the operations of the audio and graphics processor of Shimizu and the lack of decode processing being performed by both of these processors on separate data streams (first data stream, second data stream) that include video and audio. The discussions were attended to by the supervisory examiner, Mr. Kindred.

Before discussions, it is our understanding that the supervisory examiner agreed that the outstanding rejections cannot be supported and agreed to reconsider the allowability of the pending claims based on a better understanding of the prior art and the invention as claimed after our discussion. The undersigned attorney respectfully requests the Examiner to contact him if, after review, such claims are not deemed to be condition for allowance. The Examiner is thanked for his continued review concerning the allowability of the pending claims.

#### ***Rejection Under 35 U.S.C. §102***

Claims 1-3, 18-19, 23-25 and 28-33 were rejected under 35 U.S.C. §102(e) as being anticipated by Shimizu, et al. (U.S. Patent No. 6,609,977). Applicant respectfully traverses the rejection because a *prima facie* case of anticipation can not be established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ.2d 1913, 1920 (Fed. Cir. 1989).

For instance, with respect to independent claims 1 and 28, Applicant has previously added additional limitations to clearly identify that both the first stream data and the second stream data include both video data and audio data. As set forth in the Office Action, the first stream data was previously construed as one or more commands responsive to signaling from hand controller(s) (52). *See Page 4 of the Office Action dated July 25, 2007.* Now, the first stream data is construed as the 3D graphics and audio output transmitted from a main processor (110) to a graphics and audio processor (114),

hereinafter referred to as a “GA processor”. *See col. 6, lines 53-66 of Shimizu*. We disagree with this interpretation.

First, Applicant respectfully submits that the 3D graphics and audio output transmitted from the main processor (110) does not constitute the first stream data as claimed. The main processor (110) does not decode the first stream data (3D graphics and audio output) routed over the communication bus (i.e. the bus between the main processor (110) and the GA processor 114). The act of decoding involves the performance of a translation on data to produce data of a different format. In contrast, *Shimizu* merely discloses the outputting 3D graphics and audio output by the main processor (110) to the GA processor (114), which does not constitute a decode of the first stream data (3D graphics and audio output).

Second, another distinction between the claimed invention and the teachings of *Shimizu* is the presence of two or more processors, such as CPU (111) and stream processor (115) according to one embodiment of the invention, that collectively work to decode the stream data. As claimed, the first processor (CPU) is adapted to decode the first stream data (video data and audio data) sent over the communication bus while the second processor is adapted to decode the second stream data (video data and audio data) that is sent from the drive device *without being routed over the communication bus*. *Emphasis added*. Both the first and second stream data include video data and audio data, because one of the objectives for the claimed invention is to achieve better efficiency of decode (e.g., decompression) operations. The more data is compressed, the more processor time is needed to decode the data. Therefore, the first and second processors share such burdensome processes of decoding video data and audio data from different data paths.

In contrast, *Shimizu* teaches the use of a single processor (GA processor 114) that is controlled by main processor (110) to decode images and audio with the assistance of a video encoder (120) and audio codec (122). *See col., 6, line 53 – col. 7, line 3 of Shimizu*. There is no teaching or suggestion of dedicated decode operations for one type of data stream routed over the communication bus and another type of data streams routed without use of (or being routed over) the communication bus.

This lack of teaching exemplifies that *Shimizu* is not directed to and does not even suggest Applicant’s solution to offset data flow over limited resources, such as the PCI bus for example, by the use of a secondary processor that is directed to decoding data, such as decompressing data for example, from an HDD or TV tuner without the use of the PCI bus, where the decoded data flows to the output terminal(s) directly.

With respect to independent claim 23, Applicant respectfully submits that *Shimizu* does not describe a graphic controller, which is construed as the graphics and audio (GA) processor 114, in communication with the first processor (main processor 110) and the second processor (also construed as the GA processor 114). Herein, the graphic controller (GA processor 114) is claimed to convert the decoded first stream data

into display video signals and to transmit the display video signals to the second processor (graphics and audio processor 114) over the video bus (communication bus between encoder 120 and GA processor). *See Page 6 of the Office Action.* This claim construction is improper because the GA processor would need to transfer display video signals back to itself over the bus that couples the GA processor (114) to the video encoder (120).

Hence, in light of the amendments, Applicant respectfully requests that the Examiner withdraw the §102(e) rejection as applied to independent claims 1, 23 and 28 as well as claims 2-3, 18-19, 21, 24-25 and 29-30 dependent thereon.

### ***Rejections Under 35 U.S.C. § 103***

Claims 20, 22, 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of Witt (U.S. Patent Publication No. 2004/0109005). Moreover, claims 26-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu in view of Ochiai (U.S. Patent No. 6,757,482). Applicant respectfully traverses these rejections because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).*

Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combined teachings of the cited references fail to describe or suggest all of the claim limitations. Moreover, based on the dependency of claims 20, 22, 26-27 and 35 on independent claim 1 and claim 34 on independent claim 28, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 20, 22, 26-27 and 34-35 is respectfully requested.

***Conclusion***

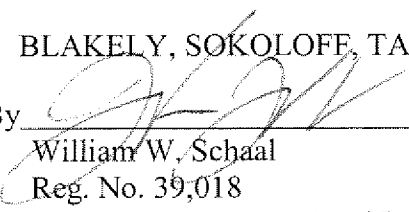
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By

  
William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)